

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: April 21, 2004

Division: County Attorney

AGENDA ITEM WORDING:

Approval to amend Ordinance No. 003-2004, by approving a different format of the ordinance, which concerns Specialty Contractors. The ordinance is in a format that may result in unintended changes to the County Code Book by the Municipal Code Corp. The particular section being reformatted for this purpose is prior Section 5, now shown as Section 6.

ITEM BACKGROUND:

PREVIOUS RELEVANT BOCC ACTION:

Approval of Ordinance No. 003-2004 at the January 21, 2004 meeting.

CONTRACT/AGREEMENT CHANGES:

STAFF RECOMMENDATIONS:

Approval.

TOTAL COST:

BUDGETED: Yes No

COST TO COUNTY:

Revenue Producing:

Amount Per Month - Year

APPROVED BY: County Atty YES OMB/Purchasing N/A Risk Management N/A

DIVISION DIRECTOR APPROVAL:

John R. Collins 03/25/04
J. R. COLLINS

DOCUMENTATION: Included

X

To Follow

Not Required

AGENDA ITEM #

58

ORDINANCE NO. 003A - 2004

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, AMENDING ORDINANCE NO. 003-2004, WHICH AMENDED SECTION 6-56, MONROE COUNTY CODE, BUILDINGS AND CONSTRUCTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a public hearing was held on February 18, 2004 and Ordinance No. 003-2004 was passed, deleting certain specialty contractor categories and grandfathering in those contractors already licensed in said categories; and

WHEREAS, it has been determined that the format of Section 5 of Ordinance No. 003-2004 may be confusing to the Municipal Code Corporation which incorporates ordinances into the Monroe County Code; and

WHEREAS, it is desired to render Section 5 in a format which can be easily incorporated into the County Code; now, therefore

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:

Section 1. Ordinance No. 003-2004 shall be amended as Ordinance No. 003A-2004 and shall provide as follows:

Section 2. Sec. 6-56(1), Monroe County Code, is hereby amended to read:

Engineering:

(1) A *Class I General engineering contractor* may perform the following work:

a. Construct foundations including the excavating, forming and placing of reinforcing steel and concrete and perform other incidental work thereto; and

b. Other concrete and engineering work, including but not limited to, harbors, docks, excavating, filling and grading, drainage, pile driving, levees, pumping stations, and similar types of work in conjunction with water power, water control, waterworks and water supply, paving and sidewalks, curbs and gutters, streets and roads, bridges and overpasses and underpasses in streets, roads and public thoroughfares, underground sewage collection and disposal systems, bulkheading and underground utility line construction, both sanitary and storm sewer systems and similar work.

Section 3. Sec. 6-56 *Engineering* (3), is hereby created to read:

(3) No person not previously certified as a Class I General Engineering or as Class II, Specialty Engineering Contractor in the subclasses pipeline, pile driving and foundation, seawall and small dock, fuel transmission and distribution line, and hydraulic dredging, as of February 18, 2004, shall be

certified as a Class I General Engineering or Class II Specialty Engineering Contractor after February 18, 2004. However, the Contractors Examining Board shall continue to certify and regulate those Class I and specified Class II Engineering Contractors who were certified on February , 2004, provided that said engineering contractors maintain their certificates of competency in good standing pursuant to this chapter and rules promulgated hereunder.

Section 4. Sec. 6-56 *Engineering* (3), is hereby renumbered as Sec. 6-56(4).

Section 5. Sec. 6-56 is hereby amended by the deletion of *Sheet metal contractor*.

Section 6. Sec. 6-56 *Specialty Contractors* (35) is hereby amended to delete certain categories for testing and to read as follows:

(35) *Testing, except for administrative exam*, shall not be required for licensing in the specialty trades enumerated provided the applicant has had at least two (2) years' experience in the field, demonstrated to the satisfaction of the licensing board, for the following specialty trades:

- Acoustical ceiling
- Aluminum specialties
- Cabinet and millwork
- Drilling auger
- Fence erection
- Flooring
- Garage door opener/installation
- Heating, ventilation and A/C duct installation
- House setter
- Insulation
- Landscaping
- Masonry
- Mobile home maintenance and repair
- Mobile home set-up and tie-down
- Painting and decorating
- Plastering
- Satellite, TV antenna, telephone and other communications equipment installation
- Septic tank cleaning
- ~~Solar products~~
- Solar window tinting
- Steel reinforcing and iron
- Tile, marble and terrazzo

The following list of specialty trades shall always require testing for purposes of licensure:

- Asphalt sealing and coating
- Burglar alarms
- Demolition
- Drywall
- Fire Alarm
- ~~Gasoline tank and pump~~
- Glazing
- ~~Guniting and sandblasting~~
- ~~House moving~~
- Lawn sprinkler

Low Voltage
Sign electrician
Sign erection
Structural steel erection
~~Swimming pool servicing~~
Waterproofing and roof painting
Welding

Section 7. Sec. 6-56, is hereby amended by adding after *Specialty Contractors* (41) the following:

Commencing February 18, 2004, no person not previously certified as a specialty contractor in the following specialty list as of February 18, 2004, shall be certified in the following specialty list after February 18, 2004. However, the Contractors Examining Board shall continue to certify and regulate those contractors who continue to maintain their certificates of competency in good standing pursuant to this chapter and rules promulgated hereunder the following specialty trades:

gasoline tank and pump
gunite and sandblasting
house moving
solar products
swimming pool servicing
thatched structure
welding

Section 8. Sec. 6-62 *Reciprocity* is hereby amended to read as follows:

Every person who, under the terms of this article, is required to hold a certificate of competency, and who has written proof from the City of Key West, Florida, Building Department, or other county or municipality in the State of Florida, stating that the applicant has scored a minimum grade of seventy (70) percent on an independent examination agency which is designated by the Contractors Examining Board may, upon payment of a \$25 application fee, seek a reciprocal certificate of competency to be qualified to conduct construction in Monroe County. Examination corresponding and equivalent to any examination required for an existing category licensed under this chapter and proctored by the examination agency shall be entitled to a certificate of competency without examination; but such certificate shall be subject to any restrictions and limitations carried by the current county certificate and shall entitle the holder of such certificate to do business only in the unincorporated areas of the county. The equivalency of the examinations shall be determined by the Contractors Examining Board. All prerequisites, other than testing, for a certificate of competency shall be met prior to issuance of a reciprocal certificate. The terms of this section apply solely to reciprocity with such counties and municipalities providing reciprocity to contractors who hold a certificate of competency issued by Monroe County. the examinations must be been conducted for the licensure by the particular county or municipality with which Monroe County has a reciprocal agreement.

Section 9. Sec. 6-63 *Fees* is hereby amended to read:

(a) The board shall recommend to the Board of County Commissioners reasonable fees to be paid for application, examination, certification and renewal, and recordmaking and recordkeeping. Effective October 1, 1993, the fees shall be established as follows:

General Contractor		\$200.00
Building Contractor		150.00
Residential Contractor		150.00
Engineering Contractor I		200.00
Engineering Contractor II		150.00
Engineering Contractor III		150.00
Mechanical, Plumbing and Electrical Contractors		150.00
All other Contractors, including Specialty Trades		150.00
Master (Plumbing, Electrical and Mechanical)		100.00
Journeyman (Plumbing, Electrical and Mechanical)		70.00
Apprentice		30.00
<u>Examination Fees:</u>		
<u>Administrative Business and Law Exam</u>	35.00	<u>55.00</u>
<u>All Three-Hour Technical Exams</u>	75.00	<u>155.00</u>
<u>All Six-Hour Exams</u>		<u>150.00</u>

The renewal fees shall cover two (2) years, and the certificate of competency shall be issued for two (2) years. The renewal fees shall be due on October 1 of each odd-numbered year and shall be delinquent on November 1 of that same year. The penalty for late renewal on or after November 1 of each odd-numbered year, but prior to the expiration of twelve (12) months thereafter, shall be forty dollars (\$40.00). Upon expiration of one (1) year more after October 31 of the year when the renewal fee is due, the contractor shall appear before the Contractors Examining Board for assessment of the appropriate renewal fee and need for reexamination pursuant to section 6-65.

Should an initial certificate of competency be issued subsequent to October of any odd-numbered year and prior to October 1 of the next odd-numbered year, the fees listed above shall be prorated on the basis of quarterly, or six-month, increments of the two-year license period. Reduction of fees for certifications issued for period of less than two (2) years shall be as follows:

<i>Periods</i>	<i>Reduction of Fee</i>
October 2, odd year, to April 1, even year	0%
April 2, even year, to October 1, even year	25%
October 2, even year to April 1, odd year	50%
April 2, odd year, to October 1, odd year	75%

(b) Honorary certificates shall be issued without charge to any person over sixty (60) years of age providing that said person holds any of the above said licenses in the county. Thereafter, said person will not be permitted to engage in business without first paying all renewal fees necessary to make said license current.

Section 10. Sec. 6-65 *Reexamination may be required for renewal or reinstatement* is hereby amended to read:

a) Where a certificate of competency has been revoked or has expired or lapsed for any reason, the board:

(1) May require complete reexamination before a certificate of competency is renewed or reinstated.

(2) Require a fee of five hundred dollars (\$500.00) or a fee equal to five (5) years of renewal fees in the certificate holder's particular category, whichever is less.

(3) After five (5) years of a certificate of competency being lapsed, the applicant shall be reexamined.

b) Where a certificate of competency is no longer issued for a trade other than contractors who have continuously maintained their certificate of competency in good standing, a contractor shall not be permitted to reinstate an expired, revoked, or lapsed certificate.

Section 11. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 12. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

Section 13. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the County of Monroe, Florida, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

Section 14. This ordinance shall take effect immediately upon receipt of official notice from the Office of the Secretary of State of the State of Florida that this ordinance has been filed with said Office.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the _____ day of _____, 2004.

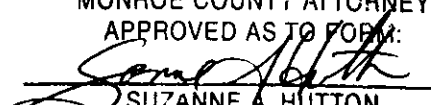
Mayor Nelson
Mayor Pro Tem Rice
Commissioner McCoy
Commissioner Neugent
Commissioner Spehar

(SEAL)
Attest: DANNY L. KOLHAGE, Clerk

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By _____
Deputy Clerk

JordCEBCert2

By _____
Mayor/Chairperson
MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:

SUZANNE A. HUTTON
ASSISTANT COUNTY ATTORNEY
Date 2/12/04